

Applicant : Coy *et al.*
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REMARKS

In the instant Office Action, claims 18-44 are listed as pending and claims 18-44 are listed as subject to restriction and/or election requirement. Claims 1-17 are cancelled.

Initially, Applicants appreciatively note the following actions of the Examiner in the instant Office Action:

- The Examiner withdrew the rejection of claims 18-21 under 35 U.S.C. §112.
- The Examiner withdrew the rejection of claims 18, 19, 20 and 23 under 35 U.S.C. §102(b).
- The Examiner withdrew the rejection of claims 18, 19, 20, 23 and 32-43 under 35 U.S.C. §102(e).
- The Examiner withdrew the rejection of claims 18, 19, 23, 24, 25, 36 and 42 under 35 U.S.C. §103(a).

In the instant Office Action, the Examiner has made a requirement of the Applicants to elect a single disclosed species with respect to a compound as defined in claim 18, and also with respect to a compound as defined in claim 23, under 35 U.S.C. §121, for prosecution on the merits to which the claims shall be restricted if no generic claim is held to be allowable.

With respect to a compound as defined in claim 18, Applicants elect the species of the formula **H₂-β-Nal-D-Cys-Tyr-D-Trp-Lys-Val-Cys-(2R,3R-(2-hydroxymethyl)-3-hydroxy)propylamide**, which is the first compound listed in claim 22. Said compound is encompassed by claims 18, 19, 22, 33, 34-37, and 44.

With respect to a compound as defined in claim 23, Applicants elect the species of the formula **H₂-Phe-D-Phe-Tyr-D-Trp-Lys-Thr-Phe-Thr-NH₂**, which is the first compound listed in claim 27. Said compound is encompassed by claims 23-27 and 38-43.

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These elections are made without traverse. Applicants expressly reserve the right to reclaim the subject matter surrendered in response to the restriction requirement by either reintroducing said subject matter into the present application or by filing a subsequent application(s).

Applicants state that withdrawal of the unelected subject matter does not require any amendment of inventorship pursuant to 37 C.F.R. §1.48(b).

Examiner Delacroix-Muirheid is invited to telephone Applicants' undersigned attorney at (508) 478-0144 to facilitate prosecution of this application.

Date: 10/23/06

Respectfully submitted,



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